

REMARKS

The Applicants respectfully request reconsideration in view of the following remarks and amendments. Claims 1, 6, 7, and 8 are amended. Claim 2 is canceled. Accordingly, claims 1 and 3-8 are pending in the application.

I. Objections to the Drawings

The Examiner objected to the drawings for informalities. In particular, Fig. 4A is objected to because the PRNG_value input that is linked to the BL calculation unit 43 is mislabeled as puing_value. In response, the Applicants have submitted an amended drawing for Fig. 4A. In Fig. 4A, reference “puing_value” has been renamed to “PRNG_value” to correct a typographical error. Therefore, in light of these amendments, the Applicants now believe that these drawings correct the informalities objected to by the Examiner. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the objections to the drawings.

II. Objections to the Specification

The Examiner objected to the Specification for informalities. In response, the Applicants have amended paragraph [0005] on page 1, lines 16-24, of the Specification to replace the phrase “the disclaim protecting function” with the phrase “identity verification” to clarify the claim language. In light of the amendment, the Applicants respectfully request reconsideration and withdrawal of the objection to the Specification.

III. Claims Rejected Under 35 U.S.C. § 112

Claims 7 and 8 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention: only the preambles of the claims are included.

In regard to claims 7 and 8, the Applicants have amended the claims to recite method claim versions of claims 3 and 4 to correct the missing claim language. In light of the amendment, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 7 and 8.

IV. Claims Rejected Under 35 U.S.C. § 103

Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,961,344 issued to Gaspar et al. (hereinafter “Gaspar”) in view of U.S. Patent Publication No. 2002/0057713 issued to Bagchi et al. (hereinafter “Bagchi”). To establish a *prima facie* case of obviousness the Examiner must show that the cited references, combined, teach or suggest each element of a claim. See MPEP § 2142.

Claim 1, as amended, recite the limitations of the “reference time signal do_FBOS is assigned to a last section of a back-off slot section in the received frame to determine the final state of the carrier sense signals.” Amended claim 1 incorporates the limitations previously recited in claim 2 (now canceled). The Examiner admitted on page 4 of the Office Action that Gaspar fails to disclose extraction of the current state, a data transmission priority, and a reference time signal to determine a final state of a frame. Further, Bagchi fails to teach the missing limitations. The Examiner characterized EOF sequence 1150 in Figure 31 as the “reference time signal do_FBOS,” as recited in claim 1. See Bagchi, paragraph [0164], [0169]. Bagchi teaches in Figure 33 that following collision 1600 is interframe gap 1400, backoff signal slots 1500, and priority slots 1700. See Bagchi, paragraph [0166]. However, as disclosed in Bagchi, EOF sequence 1150 is not “assigned to a last section of a back-off slot section in the received frame to determine the final state of the carrier sense signals,” as recited in claim 1. Instead, Bagchi teaches that EOF sequence 1150 is simply located at *the end of arbitrary Minimum Signal 1140* as illustrated in Figure 31 (in the case of a valid CS frame) or at located at *the end of an Ethertype field* (in the case of a collision). See Bagchi, paragraph [0164], [0169]. As a result, the EOF sequence is not “assigned to a last section of a back-off slot section in the received frame . . . ,” as recited in claim 1. Therefore, in view of at least the foregoing reasons, Bagchi fails to teach or suggest the cited limitation. Thus, Gaspar in view of Bagchi fails to teach or suggest each element of claim 1. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1.

In regard 3 and 4, these claims depend from base claim 1 and incorporate the limitations thereof. Hence, for at least the reasons discussed in connection with claim 1, claims 3 and 4 also overcome the obviousness rejection based on cited references. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3 and 4.

In regard to claim 6, this claim includes analogous limitations to those recited in claim 1. Hence, for at least the reasons discussed in connection with claim 1, claim 6 also overcomes the obviousness rejection based on cited references. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 6.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaspar in view of Bagchi in view of U.S. Patent No. 6,760,305 issued to Pasternak et al. (hereinafter "Pasternak") and the applicant's admitted prior art. To establish a *prima facie* case of obviousness the Examiner must show that the cited references, combined, teach or suggest each element of a claim. See MPEP § 2142.

In regard to claim 5, this claim depends from independent claim 1 and incorporates the limitations thereof. Therefore, for at least the reasons mentioned in connection with claim 1, claim 5 overcomes the obviousness rejection based on Gaspar, Bagchi, and the applicant's admitted prior art. In addition, Pasternak fails to teach or suggest the missing elements. The Examiner has not cited and the Applicants are unable to discern the portion of Pasternak that teach or suggest the missing elements. Thus, for at least these reasons, Gaspar, Bagchi, Pasternak, and applicant's admitted prior art, combined, fail to teach or suggest each element of claim 5. Accordingly, the Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5.

In addition, claims 7 and 8 depend from claim 6 and incorporate the limitations thereof. Therefore, for at least the aforementioned reasons in connection with claim 6, these claims overcome the obviousness rejection based on the cited references as well.

Amendments to the Drawings:

The attached sheet of drawing includes changes to Fig. 4A. The sheet, which includes Fig. 4A, replaces the original sheet including Fig. 4A. In Fig. 4A, reference “puing_value” has been renamed to “PRNG_value” to correct a typographical error.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

CONCLUSION


In view of the foregoing, it is believed that all claims now pending, namely claims 1 and 3-8, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

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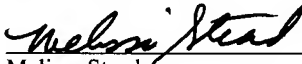

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FIG. 4A

